

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANNY JOE BARBER, III,

Plaintiff,

v.

KITSAP COUNTY SHERIFF'S  
DEPARTMENT,

Defendant.

CASE NO. 3:24-cv-05863-KKE-GJL

REPORT AND RECOMMENDATION

Noting Date: July 30, 2025

This matter is before the Court on referral from the District Court. On September 25, 2024, Plaintiff Danny Joe Barber, III, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. The Court screened Plaintiff's Complaint under 28 U.S.C. § 1915A, identified deficiencies in the Complaint, and directed Plaintiff to file an amended complaint curing the deficiencies. Dkt. 6. On January 6, 2025, Plaintiff filed an Amended Complaint. Dkt. 7.

In an Order entered on February 6, 2025, the Court reviewed Plaintiff's Amended Complaint and found that the Amended Complaint remained deficient. Dkt. 8. As a result, the Court declined to serve the Amended Complaint and granted Plaintiff a second leave to amend his complaint within 30 days from the date of the Order. *See id.*

On February 24, 2025, the Court's Order mailed to Plaintiff was returned as undeliverable. Dkt. 9. However, Plaintiff's prisoner identification was updated by the Clerk of


1 Court and the Order was remailed to Plaintiff's new address. *See id.* On March 18, 2025, the  
2 Court's February 6, 2025, Order was again returned as undeliverable. *See* Dkt. 10.

3 On April 29, 2025, the Court issued an Order directing Plaintiff to update his address.  
4 Dkt. 11. The Court also informed Plaintiff that if he failed to notify the Court of his current  
5 mailing address by May 30, 2025, the undersigned would recommend dismissal of this action  
6 without prejudice. *See id.* To date, Plaintiff has failed to update his address. *See* Dkt.

7 Plaintiff has failed to comply with the Court's April 29, 2025, Order and Local Civil Rule  
8 41(b)(2). He has not provided the Court with his current address. As Plaintiff has failed to  
9 respond to the Court's Order and prosecute this case, the Court recommends this case be  
10 **DISMISSED without prejudice**. Further, as Plaintiff has not prosecuted this case, the Court  
11 finds an appeal would not be taken in good faith.

12 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), the parties  
13 shall have fourteen (14) days from service of this report to file written objections. *See also* Fed.  
14 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of  
15 appeal. *See Thomas v. Arn*, 474 U.S. 140, 142 (1985); *Miranda v. Anchondo*, 684 F.3d 844, 848  
16 (9th Cir. 2012) (citations omitted). Accommodating the time limit imposed by Rule 72(b), the  
17 Clerk is directed to set the matter for consideration on July 30, 2025, as noted in the caption.

18  
19 Dated this 15th day of July, 2025.

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22 Grady J. Leupold  
23 United States Magistrate Judge  
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